HONOURABLE SRI JUSTICE K.C.BHANU
WRIT PETITION No.12888 OF 1999

Dated 5-7-2006

Between:

B. Venkata Lakshmi, wife of late B. Satyanarayana, aged about 48 years, resident of Rajahmundry, East Godavari District.
.... Petitioner.

And:

1. The Vice Chairman & Managing Director, A.P.D.D.C.F.Ltd., Lalapet, Hyderabad and two others.
...Respondents.

ORDER:

This writ petition is filed by the petitioner seeking to declare the action of the respondents in not regularizing the services of the petitioner on par with her colleagues w.e.f. 29-7-1994 as illegal and consequently, to direct the respondents to regularize her services by paying the time scale attached to the post on par with her colleagues w.e.f. 29-7-1994 forthwith and to pay the arrears of wages therefrom.

2. A detailed counter has been filed by the 2nd respondent to the effect that the services of the persons who were appointed along with the petitioner were also not given time scale so far. It is further stated that the petitioner has been appointed on compassionate grounds and that the services of the persons who will be appointed on consolidated basis, will be absorbed in the first instance into the regular vacancies as and when they arise.

3. It is contended by the learned counsel for the 2nd respondent that there are no vacancies and that 50% posts in the organization are found to be replaced and if any future vacancy

arises, the case of the petitioner can be considered. It is further contended that the persons who were appointed on the same day were seniors to the writ petitioner.

4. In the facts and circumstances of the case, unless a vacancy arises, the services of the petitioner cannot be regularized and as such, the question of paying time scale attached to that post does not arise till then.

5. In this view of the matter, without going into the merits of the case, the writ petition is disposed of directing the respondents to consider the case of the petitioner for regularization of services as and when the vacancy arises.

_____

Justice K.C.BHANU

Dated 5-7-2006
Dvs

HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.12888 OF 1999

Dated 5-7-2006